

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: VALSARTAN, LOSARTAN, AND IRBESARTAN PRODUCTS LIABILITY LITIGATION	MDL No. 2875 HON. ROBERT B. KUGLER
THIS DOCUMENT RELATES TO ALL CASES	

NOTICE TO TAKE VIDEOTAPED ORAL DEPOSITION

TO: **Jessica Davidson Miller, Esq.**
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Ave., N.W.
Washington, DC 20005

Attorneys for Defendants

Please take notice that pursuant to Federal Rule of Civil Procedure 30, and other applicable Rules, including the Local Civil Rules, and the applicable Orders of the Court, Plaintiffs, by and through their counsel, will take the videotaped deposition via Zoom, of **Timothy E. Kosty**, on February 23, 2023, at 9:00 a.m. eastern time, and continuing until completion that day, at Skadden, Arps, Slate, Meagher & Flom LLP, 1440 New York Ave., N.W., Washington, DC 20005, via Zoom, in accordance with the Fact Witness Deposition Protocol, Case Management Order #20, filed November 17, 2020 (Document 632). The witness shall produce the documents requested at Exhibit A, attached hereto, at least two days in advance of the deposition, to the extent not already served upon Plaintiffs.

TAKING ATTORNEYS FOR PLAINTIFFS:

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The videotaped deposition will be taken via Zoom before a person authorized by law to administer oaths, pursuant to Rule 28 of the Federal Rules of Civil Procedure.

Dated: January 19, 2023

PLAINTIFFS' COUNSEL

By: /s/ David J. Stanoch
David J. Stanoch
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EXHIBIT A

DOCUMENT REQUESTS

1. Copies of all invoices for work performed in connection with any consultation or expert work performed for or on behalf of any defendant or their counsel with regard to any issues in this MDL, including but not limited to for the review of documents, review and consultation with regard to plaintiff experts, preparation of the expert's report, and preparation for deposition or trial.
2. Any notes, i.e. written or electronic, reflecting consulting or litigation work that has not been documented in invoices.
3. All documents relating to any remuneration you have received from any manufacturer, distributor, or retailer of pharmaceutical drugs.
4. Any articles, presentations, seminars, classes, or other similar documents (including PowerPoint-type slides) authored or used by the witness with regard to USP monographs, the Orange Book, RLDs, NDAs, aNDAs, DMF, hypertension, treatments for hypertension, ARBs, adulteration, misbranding of drug products, and the function and operation of Medicare and Medicaid.
5. Any articles, presentations, seminars, classes, blogs, posts, or other similar documents (including PowerPoint-type slides) authored by the witness and any aspect of concerning pharmacy benefits and reimbursement, FDA regulatory compliance for pharmaceutical drugs, the function and operation of Medicare and Medicaid, or related in any to the witness's opinions in this matter.
6. Copies of any documents or articles relied upon for the opinions set forth in the report served, if not listed in the report.
7. Copies of any documents or articles reviewed in connection with the report served, whether or not listed in the report or attachments thereto.
8. Copies of all Publications and Presentations listed in the witness's CV, which is Exhibit A to his Expert Report, and any updated CV or testimony list.
9. Any illustrations, PowerPoints, images, charts, tables or demonstrative exhibits that may be used by or with the witness in connection with a Daubert hearing or trial testimony in this litigation.
10. Documentation of any prior work the witness has done as a consultant for any of the Defendants in this action.

11. All documents reflecting valsartan or any other drug recalls relating to nitrosamines that the witness received, reviewed, or sent.
12. Any documents or other communications the witness has received from any person or entity with regard to nitrosamine impurities in any angiotensin II receptor blocker or other drug or the function and operation of Medicare and Medicaid, outside of information provided by counsel who retained the witness.
13. Any communications from the witness to any person or entity with regard to nitrosamine impurities in any angiotensin II receptor blocker or other drug or the function and operation of Medicare and Medicaid, outside of communications to counsel who retained the witness.
14. Any textbook referenced by the witness in forming his opinions.
15. All documents relating to any pharmacy benefit on you consulted, including identity of entities and persons with whom you consulted.
16. All documents relating to any work you performed on behalf of any P&T Committee.
17. Copies of all transcripts of testimony under oath given by the witness in the last 10 years.
18. All documents relating to the function and operation of Medicare and Medicaid.

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CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2023, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

PLAINTIFFS' COUNSEL

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